

**Zoning Public Hearing  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-24  
AGENDA DATE: Thu 09/29/2005  
PAGE: 1 of 1**

**SUBJECT:** C14-05-0050 - The Millican House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1610 West Avenue (Shoal Creek Watershed) from limited office-historic (LO-H) combining district zoning to general office-historic (GO-H) combining district zoning. Zoning and Platting Commission Recommendation: To deny general office-historic (GO-H) combining district zoning. Applicant: Paul Flashner. Agent: Leasing Concierge (Susan Minter). City Staff: Jorge Rousselin, 974-2975.

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S  
AUTHORIZATION:** Greg Guernsey

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-05-0050

**Z.A.P. DATE:** June 07, 2005  
July 05, 2005  
August 2, 2005

**ADDRESS:** 1610 West Avenue

**OWNER/APPLICANT:** Paul Flashner

**AGENT:** Leasing Concierge  
(Susan Minter)

**ZONING FROM:** LO-H

**TO:** GO-H

**AREA:** .198 Acres

### **SUMMARY STAFF RECOMMENDATION:**

Not recommend approval of rezoning from limited office – historic (LO-H) district zoning to general office - historic (GO-H) district zoning.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

August 2, 2005

**APPROVED STAFF'S RECOMMENDATION TO DENY GO-H ZONING.**

**[K.J; J.P 2<sup>ND</sup>] (7-0) J.D – LEFT EARLY; J.M – ABSENT**

### **ISSUES:**

The carriage house had been converted into a salon use, which is not listed as a permitted use in the limited office district use categories. The applicant is seeking to have the property rezoned in order to allow the salon use. Since the filing of this application the Salon has vacated the carriage house.

### **DEPARTMENT COMMENTS:**

The property is currently zoned LO-H signifying a low intensity office use within a property identified as historic. The site is bordered by SF-3 district zoning and the properties in this area are predominantly residential.

### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	LO-H	Office
<i>North</i>	SF-3	Single Family Residential
<i>South</i>	SF-3	Single Family Residential
<i>East</i>	LO	Offices
<i>West</i>	SF-3	Single Family Residential

**AREA STUDY:** N/A

**TIA:** N/A

**WATERSHED:** Shoal Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

#058 Judges Hill Neighborhood Association

#142 Five Rivers Neighborhood Association

#402 Downtown Austin Neighborhood Association (DANA)

#511 Austin Neighborhoods Council

#623 City of Austin Downtown Commission

#698 West Campus Neighborhood Association

#742 Austin Independent School District

#744 Sentral Plus East Austin Koalition (SPEAK)

**SCHOOLS:**

Bryker Woods Elementary School

O. Henry Middle School

Austin High School

**CASE HISTORIES:** N/A

**RELATED CASES:** N/A

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
17 <sup>th</sup> Street	64'	30'	Collector	Yes	No	No
West Avenue	84'	36'	Collector	Yes	No	No

**CITY COUNCIL DATE:** September 29, 2005

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

2<sup>nd</sup>

3<sup>rd</sup>


**ORDINANCE NUMBER:**

**CASE MANAGER:** Jorge E. Rousselin, NPZD

**PHONE:** 974-2975

**E-MAIL:** [jorge.rousselin@ci.austin.tx.us](mailto:jorge.rousselin@ci.austin.tx.us)



 <p> <b>SUBJECT TRACT</b>  <b>PENDING CASE</b>  <b>ZONING BOUNDARY</b>  <b>CASE MGR: T. BOLT</b> </p>	<p> <b>CASE #:</b> C14-05-0050  <b>ADDRESS:</b> 1010 WEST AVE  <b>SUBJECT AREA (acres):</b> 0.168         </p>	<p> <b>ZONING</b>    <b>DATE:</b> 05-05  <b>INTLS:</b> 6M         </p>	<p> <b>CITY GRID REFERENCE NUMBER</b>          J23       </p>
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## **STAFF RECOMMENDATION**

Not recommend approval of rezoning from limited office – historic (LO-H) district zoning to general office- historic (GO-H) district zoning.

## **BASIS FOR RECOMMENDATION**

The proposed zoning should be consistent with the purpose statement of the district sought.

The existing zoning district designation provides that limited office (LO) district is the designation for an office use that serves neighborhood or community needs and that is located in or adjacent to residential neighborhoods. An office in an LO district may contain one or more different uses. Site development regulations and performance standards applicable to a LO district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

The general office district sought does not encourage the scale and appearance of the development with the residential environment.

The proposed zoning should satisfy a real public need and not provide special privilege to the owner.

The applicant is seeking the zoning change to allow a use that is not permitted within the district to continue operation.

No change in conditions has occurred within the area indicating that there is a basis for changing the originally established zoning and/ or development restrictions for the property.

There has been no active rezoning of properties in this area in the last several years indicating that the residential nature of the area is viable.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is currently developed with a historic structure occupied by for limited office uses. The carriage house has also been used for offices.

### **Impervious Cover**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. Impervious cover is not limited in this watershed class.

### **Environmental**

According to flood plain maps, there is no flood plain within the project area.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

### **Water Quality Control Requirements**

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm.

### **Transportation**

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 138 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

### **Water and Wastewater**

The area is served with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation are necessary to serve the site or land use, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The utility construction must be inspected by the City. The landowner must pay the associated City fees.

### **Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

### **Compatibility Standards**

The site is subject to compatibility standards. Along the west and south property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- Additional design regulations will be enforced at the time a site plan is submitted.



**Milton R. Felger**  
10008 Cormorant Cove  
Austin, TX 78730-3583  
Tel: (512) 795-9203  
Fax: (512) 795-9231

e-mail: [mfelger1@austin.rr.com](mailto:mfelger1@austin.rr.com)

**Neighborhood Planning and Zoning Department**  
**ATTN: Thomas Bolt**  
**P.O. Box 1088**  
**Austin TX 78767**

**May 3, 2005**

**RE: Case# C14-05-0050**

**Dear Mr. Bolt:**

Your letter of April 13, 2005 regarding the proposed rezoning of 1610 West Avenue raises some concerns. I feel that a changed to GO zoning sets a bad precedent for this primarily residential neighborhood. I feel that it would be in the best interests of both the neighborhood's residents and the City of Austin to work towards keeping the West Avenue area residential. I would appreciate your insight and support in this matter, and would like to discuss it with you at your convenience.

Sincerely,



**Milton R. Felger**  
Owner, 1705 West Avenue

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office/retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-05-0050

Contact: Thomas Bolt, (512) 974-2755

Public Hearing:

August 2, 2005 Zoning and Planning Commission

Mark W. Seeger

Your Name (please print)

☐ I am in favor  
☒ I object

805 W 16th Street

Your address(es) affected by this application

Mark W. Seeger

Signature

7/23/05

Comments:

The Neighborhood cannot

tolerate additional office

use.

Mark - Mark Seeger



Harper - Seeger

805 W 16th Street

Austin, Texas 78701

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Thomas Bolt

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-05-0050

Contact: Thomas Bolt, (512) 974-2755

Public Hearing:

August 2, 2005 Zoning and Planning Commission

Gayle & Boone

Your Name (please print)

☐ I am in favor  
☒ I object

1615 Pearl St Austin, TX 78701

Your address(es) affected by this application

Gayle Boone 7-26-05

Signature

Date

Comments: Changing the zoning to  
R10-H would serve the community  
as our downtown residential neighborhood  
having L-0 or M-0 are mixed  
in with open homes that are  
still residential would well  
but the high availability is  
to a regular home on busy 7th  
life. There is plenty of 300 homes  
in the city and many other areas  
including residential that would work  
If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Thomas Bolt

P. O. Box 1088

Austin, TX 78767-8810